

BEFORE THE OFFICE OF THE COMMISSIONER OF RAILROADS

STATE OF WISCONSIN

Application of Land O Lakes Purina Feeds LLC for an Exemption from the Railroad Track Clearance Law of Structures at 717 South Hickory Street in the City of Fond du Lac, Fond du Lac County

9164-RV-643

FINDINGS OF FACT AND ORDER

On June 1, 2006 Land O Lakes Purina Feeds, LLC (Petitioner) filed an application with the Office of the Commissioner of Railroads under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and RR 2.16, Wis. Adm. Code, for an exemption from the railroad track clearance laws of structures located at 717 South Hickory Street in the City of Fond du Lac, Fond du Lac County. The petitioner has asked for the exemption for an overhead fall protection system in its train shed. The access ladder is located 6 feet 7 inches from track centerline, and the overhead structure is located 15 feet 6 inches above top of rail.

Pursuant to due notice, hearing was held on July 6, 2006 before examiner Thomas Running.

Appearances:

Land O Lakes Purina Feeds, LLC, applicant
by
Rod Eisenhauer, Plant Manager
717 South Hickory Street
Fond du Lac, WI 54935

Findings of Fact

THE COMMISSIONER FINDS:

The petitioner has constructed a fall protection system in its rail shed. This system consists of a catwalk over the top of its rail cars, and a ladder by which to access it. Employees connect to a harness to prevent falls while inspecting the cars and product. The horizontal clearance from track centerline to the access ladder is 6 feet 7 inches, and the vertical clearance from the overhead catwalk to the top of rail is 15 feet 6 inches.

The spur track is approximately 1500 feet long, and runs to the south into the petitioner's facility. The track is tangent and level at the point of restricted clearance. The Canadian National serves the industry. Switching usually occurs between 7 pm

and midnight. The volume of cars is 15 covered hoppers per month. There are no other industries on this spur. The area is illuminated with high pressure sodium lighting. The petitioner will install "No Clearance" signs in advance of the area of restricted clearance.

Wisconsin law requires a minimum of 23 feet vertical clearance and 8 feet 6 inches horizontal clearance. The petitioner seeks exemption from both requirements.

Construction and maintenance of the platform and support structure for the overhead storage tanks will not imperil life and limb, and the public interest permits such construction, subject to the conditions set forth in the following order.

Conclusion of Law

THE COMMISSIONER CONCLUDES:

That the Office has jurisdiction under sections 192.31 and 192.53, Wis. Stats., and sections RR 2.15 and 2.16, Wis. Adm. Code, to grant the requested exemption, and such an appropriate order should be entered in accordance with the above Findings of Fact.

Order

THE COMMISSIONER THEREFORE ORDERS:

1. That an exemption from the railroad clearance and telltale requirements of sections 192.31 and 192.53, Wis Stats., and sections RR 2.15 and RR 2.16, Wis Adm. Code, is hereby granted with respect to the proposed construction, subject to the condition that Land O Lakes Purina Feeds LLC install and maintain a "No Clearance" sign in advance of the location.
2. That the clearances authorized, subject to the aforementioned condition, is a minimum horizontal clearance of 6 feet 7 inches from track centerline to the access ladder, and 15 feet 6 inches from top of rail to the overhead support beam.
3. That jurisdiction is retained.

Dated at Madison, Wisconsin, (July 14, 2006).

By the Office of the Commissioner of Railroads.

Rodney W. Kreunen, Commissioner